

**PATRICIA L. STEWART**  
Claimant

**MIDWEST STAFF SOLUTIONS**  
Respondent

**CNA INSURANCE COMPANY**  
Insurance Carrier

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## ORDER

## APPEARANCES

## RECORD AND STIPULATIONS

## ISSUES

The ALJ granted claimant a 15 percent permanent partial impairment based upon a scheduled injury to the forearm. Respondent contends compensation should be denied because claimant unreasonably refused surgery. In the alternative, respondent argues the percentage of impairment is less than the 15 percent awarded by the ALJ. Finally, respondent disputes the ALJ's determination of claimant's average weekly wage.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Having reviewed the entire record, the Appeals Board makes the following findings of fact and conclusions of law:

The Appeals Board finds the Award of the ALJ should be affirmed. The Appeals Board agrees with the ALJ's analysis of the evidence as set forth in the Award. The Appeals Board further agrees with the findings of fact and conclusions of law that are set out in the Award. It is not necessary to repeat those findings and conclusions. Therefore, the Appeals Board adopts the ALJ's findings and conclusions as its own as if specifically set forth herein.

**AWARD**

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge Jon L. Frobish dated January 4, 1999, should be, and is hereby, affirmed in all respects.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of August 1999.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: Beth Regier Foerster, Topeka, KS  
Michael D. Streit, Wichita, KS  
Jon L. Frobish, Administrative Law Judge  
Philip S. Harness, Director